

BB

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DISTRICTIn the Matter of BEVERLY B. MANN
Attorney-RespondentIn the matter of a Petition for a Rule to
Show Cause against:GINO AGNELLO, Clerk, United States Court
of Appeals for the Seventh Circuit, FRANK
H. EASTERBROOK, Chief Judge, and
Circuit Judges MICHAEL S. KANNE,
DANIEL A. MANION, KENNETH F.
RIPPLE, ILANA D. ROVNER, DIANE P.
WOOD, and ANN C. WILLIAMS.J.N. **FILED**No. 08 C 1627
Judge St. Eve
Magistrate Judge ColeAPR X 8 2008
Apr 8, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTFormerly case No. M.R. 22285
(06 CH 38), Supreme Court of Illinois**MOTION FOR REMAND PURSUANT TO 28 U.S.C. § 1447(a) AND (c)**

Beverly Mann, *pro se*, moves pursuant to 28 U.S.C. § 1447(a) and (c) for remand of this matter back to the Illinois Supreme Court. In support, she states the following:

The Notice of Remand asserts that:

The matter is an action against the United States (because it attempts to compel official-capacity actions by federal officials) and thus is subject to removal to this court pursuant to 28 U.S.C. § 1442(a)(1). Alternatively, this is an action against officers of the courts of the United States for actions under color of their office or in the performance of their duties and thus subject to removal to this court pursuant to 28 U.S.C. § 1442(a)(3).

Because of sovereign immunity, state courts may not compel compliance with subpoenas by federal officials. *Edwards v. Department of Justice*, 43 F.3d 312 (7th Cir. 1994).

28 U.S.C. § 1447(c) provides that “[i]f at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” Mann incorporates by reference and relies here upon the contents of her Response to Motion of the United States to Dismiss, which she is filing along with this motion and which illustrate that none of the three

assertions upon which the United States claims federal subject-matter jurisdiction is accurate and that no federal subject-matter jurisdiction exists here.

Mann further notes that the removal was in any event untimely under 28 U.S.C. § 1447(a), as this matter was removed more than 30 days after the subpoenas at issue were served upon these witnesses.

Respectfully submitted,

s/Beverly Mann
Beverly Mann
Pro se
P.O. Box 20
Whitmore Lake, MI 48189
(248) 767-4895
beverlymann2@yahoo.com

Certificate of Service

I certify that on April 8, 2008, I will file the foregoing with the Clerk of Court, and that on that date I will send notification via fax or email or U.S. mail to the following:

Thomas P. Walsh
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
thomas.walsh2@usdoj.gov

Clerk, Attorney Registration and
Disciplinary Commission of the
Illinois Supreme Court
130 East Randolph Drive, 11th Floor
Chicago, Illinois 60601

Robert V. Verrando
Senior Counsel, Illinois ARDC
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601

Ronald Rascia
Assistant Illinois Attorney General
100 West Randolph Street, 13th Floor
Chicago, Illinois 60601

s/ Beverly Mann
Beverly Mann
P.O. Box 20
Whitmore Lake, MI 48189
Ph: (248) 767-4895
beverlymann2@yahoo.com